

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                               )  
Plaintiff,                 )                  4:99CR3040  
                               )  
V.                         )                  and  
                               )  
MICHAEL A. EALEY,         )                  4:08CR3096  
                               )  
Defendant.                 )                  )  
                               )                  MEMORANDUM  
                               )                  AND ORDER  
                               )

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I am in receipt of a letter dated August 8, 2011 from the Federal Public Defender and a CJA 23 form. According to the Federal Public Defender, Mr. Ealey is requesting the appointment of counsel regarding his restitution sentence. The Federal Public Defender inquires whether I will appoint counsel. Having considered the matter,

IT IS ORDERED that:

1. This order, the Federal Public Defender's letter and the CJA 23 form shall be filed in both cases.
  
2. The request for appointment of counsel is denied without prejudice to the filing of a motion alleging an arguable basis for contesting or adjusting the restitution sentence together with a motion for the appointment of counsel supported by a current CJA 23 form. Mr. Ealey must clearly indicate in what case or cases his motion pertains.

3. The Clerk shall provide a copy of this order to the Federal Public Defender who shall in turn notify Mr. Ealey of this decision.<sup>1</sup>

DATED this 9<sup>th</sup> day of August, 2011.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

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<sup>1</sup>I have no current address for Mr. Ealey.